

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14349
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 15, 2008 THOMAS K. KAHN CLERK

D. C. Docket No. 07-60056-CV-CMA

KARL WHITE,
on his own behalf and on behalf of all
other similarly situated plaintiffs,

Plaintiff-Appellant,

versus

STATE ATTORNEY,
Michael J. Statz
KENNETH FARNSWORTH,
Assistant State Attorney
HOWARD FINKELSTEIN,
Public Defender
MADELINE TORRES,
Assistant Public Defender
ANDREW J. SMALLMAN,
Assistant Public Defender, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(May 15, 2008)

Before MARCUS, WILSON and PRYOR, Circuit Judges.

PER CURIAM:

Karl White appeals pro se the dismissal without prejudice of his civil complaint for failure to serve the defendants under Federal Rule of Civil Procedure 4(m). We affirm.

We review for abuse of discretion a dismissal without prejudice of a complaint for failure to serve a defendant under Rule 4(m). Lepone-Dempsey v. Carroll County Comm'r, 476 F.3d 1277, 1280 (11th Cir. 2007). The record is undisputed that White did not serve the defendants under Rule 4(m), and in his brief, White makes no argument that the district court erred in its application of the Rule. The district court did not abuse its discretion.

White's argument that his motion for court-appointed counsel should have been granted also fails. To the extent White is seeking reconsideration of our order, his request is untimely because it was filed more than 21 days after this Court denied his motion for court-appointed counsel. 11th Cir. R. 27-2. To the

extent White is challenging the denial of his motion by the district court, his argument fails because his complaint was not novel or complex. “Court appointment of counsel in civil cases is warranted only in ‘exceptional circumstances,’ and whether such circumstances exist is also committed to district court discretion.” Steele v. Shah, 87 F.3d 1266, 1271 (11th Cir. 1996) (quoting Kilgo v. Ricks, 983 F.2d 189, 193 (11th Cir. 1993)). “The key is whether the pro se litigant needs help in presenting the essential merits of his or her position in the court.” Kilgo, 983 F.2d at 193. The district court did not abuse its discretion.

We also deny White’s motion to reconsider his request to file a supplemental brief.

The dismissal of White’s complaint is

AFFIRMED.